

§ 68.400

Any equipment or software manufactured or imported on or after April 17, 1992, and installed by any aggregator shall be technologically capable of providing consumers with access to interstate providers of operator services through the use of equal access codes. The terms used in this paragraph shall have meanings defined in § 64.708 of this chapter (47 CFR 64.708).

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Subpart E—Complaint Procedures

§ 68.400 Content.

A complaint shall be in writing and shall contain:

- (a) The name and address of the complainant,
- (b) The name (and address, if known) of the defendant against whom the complaint is made,
- (c) A complete statement of the facts, including supporting data, where available, showing that such defendant did or omitted to do anything in contravention of part 68 of the Commission's Rules, and
- (d) The relief sought.

§ 68.402 Amended complaints.

An amended complaint setting forth transactions, occurrences or events which have happened since the filing of the original complaint and which relate to the original cause of action may be filed with the Commission.

§ 68.404 Number of copies.

An original and two copies of all complaints and amended complaints shall be filed. An original and one copy of all other pleadings shall be filed.

§ 68.406 Service.

(a) The Commission will serve a copy of any complaint or amended complaint filed with it, together with a notice of the filing of the complaint. Such notice shall call upon the defendant to satisfy or answer the complaint in writing within the time specified in said notice of complaint.

(b) All subsequent pleadings and briefs shall be served by the filing party on all other parties to the proceeding in accordance with the requirements of § 1.47. Proof of such service

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shall also be made in accordance with the requirements of said section.

§ 68.408 Answers to complaints and amended complaints.

Any party upon whom a copy of a complaint or amended complaint is served under this subpart shall serve an answer within the time specified by the Commission in its notice of complaint. The answer shall advise the parties and the Commission fully and completely of the nature of the defense, and shall respond specifically to all material allegations of the complaint. In cases involving allegations of harm, the answer shall indicate what action has been taken or is proposed to be taken to stop the occurrence of such harm, both in terms of future production and with reference to articles in the possession of distributors, sellers, and users. Collateral or immaterial issues shall be avoided in answers and every effort should be made to narrow the issues. Matters alleged as affirmative defenses shall be separately stated and numbered. Any defendant failing to file and serve an answer within the time and in the manner prescribed may be deemed in default.

§ 68.410 Replies to answers or amended answers.

Within 10 days after service of an answer or an amended answer, a complainant may serve a reply which shall be responsive to matters contained in such answer or amended answer and shall not contain new matters. Failure to reply will not be deemed an admission of any allegation contained in such answer or amended answer.

§ 68.412 Defective pleadings.

Any pleading filed in a complaint proceeding not in substantial conformity with the requirements of the applicable rules in this part may be dismissed.

§ 68.414 Hearing aid-compatibility: Enforcement.

Enforcement of §§ 68.4 and 68.112 is hereby delegated to those states which adopt those sections and provide for their enforcement. The procedures followed by a state to enforce those sections shall provide a 30-day period after